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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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18 **VAN A. PENA, Ph.D., M.D.,**

19 Plaintiff,

20 v.

21 **TIMOTHY MEEKER, et al.,**

22 Defendant.
23
24

C 00-04009 CW

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Date: September 13, 2011
Time: 2:00 p.m.
Judge The Honorable Claudia Wilken

25 The parties, through their counsel, respectfully request that the Case Management
26 Conference be continued for approximately 60 days due to the following circumstances.
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1. Plaintiff has filed a Second Amended Complaint in the parallel action pending in the California Superior Court, County of Sonoma, Case No. 225398. That case presently has a trial date of January 6, 2012.

2. Defendant has filed a demurrer, motion to strike and motion to stay the Superior Court action pending final resolution of this federal case. If successful, the demurrer will be dispositive of that case. The hearing date on those motions is presently set for September 14, 2011. However, plaintiff's counsel has been debilitatingly ill and has not yet recovered, and has been unable to prepare timely oppositions to said motions, so that the hearing date on those motions may not hold.

3. Defendant intends to file a petition for a writ of certiorari in the United States Supreme Court with respect to the Ninth Circuit's recent ruling in this case. That petition is due October 3, 2011.

4. Both parties believe that in light of the pendency of the above matters, it would be most efficient and productive to continue the presently scheduled Case Management Conference for a period of approximately 60 days, and respectfully request the Court to so order.

Dated: September 6, 2011

/s/ Terry Senne
TERRY SENNE
Attorney for Defendant

/s/ Lawrence L. King
LAWRENCE J. KING
Attorney for Plaintiff

~~PROPOSED~~ ORDER

Based upon the parties' stipulation and good cause appearing,

IT IS HEREBY ORDERED that the Case Management Conference currently set for September 13, 2011, is continued to November 15, 2011, at 2:00 p.m.


UNITED STATES DISTRICT JUDGE